

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BRENDAN WELCH, and WELCH RACING,

Plaintiffs,

vs.

DAVID WRIGHT, DOUBLE OO SHITSHOW,  
CHARITY ET SHACK CHICK, EASON L.  
WRIGHTIII, and PAT WRIGHT,

Defendants.

4:23CV3128

## MEMORANDUM AND ORDER

Plaintiff Brendan Welch (“Plaintiff”), a non-prisoner, filed a motion seeking additional time to file an amended complaint (the “Motion to Extend”). [Filing No. 40](#). As cause Plaintiff argues that because he intends to sue over 100 defendants in this case, he estimates his amended complaint will be over 60 pages long, but that he only has \$2.00 right now and cannot afford to print the entire amended complaint. *Id.* Plaintiff submits that, while the amended complaint is not quite complete, he has pleaded claims against 83 defendants out of roughly 128, and he will have funds next month to pay to print the entirety of his amended complaint for submission. *Id.* Therefore, Plaintiff believes an additional 30 to 60 days to file his amended complaint is all that is necessary. *Id.*

When granting Plaintiff’s previous motion seeking additional time to file an amended complaint, this Court noted that “[i]n light of the amount of time this matter has been pending without a properly pleaded complaint . . . . **no further extensions to amend the complaint shall be granted barring exceptional circumstances.**” [Filing No. 39 at 2](#). However, this Court finds that a lack of funds to print out the amended

complaint constitutes exceptional circumstances, and because Plaintiff appears to have made progress with drafting his amended complaint, the Motion to Extend shall be granted. Plaintiff shall have 45 additional days to file his amended complaint. This Court, however, reiterates that in light of the amount of time this matter has been pending without a properly pleaded complaint, while the Court shall grant Plaintiff an additional 45 days to file an amended complaint that complies with this and the prior orders of this Court, **no further extensions to amend the complaint shall be granted barring exceptional circumstances. Exceptional circumstances shall not include delays relating to information Plaintiff wishes to include in his amended complaint.**

Finally, in granting this Motion, Plaintiff is again warned:

**An amended complaint will supersede, not supplement, all previously filed complaints and supplements. Plaintiff must include all of the claims he wishes to pursue against all individuals named as defendants in this case that he wishes to proceed against in his amended complaint, without relying upon or incorporating by reference any allegations made in any prior complaint. Plaintiff should be mindful to explain in his amended complaint what each defendant did to him, when and where each defendant did it, and how each defendant's actions harmed him.**

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion seeking additional time to file an amended complaint, [Filing No. 40](#), is granted. Plaintiff has though and until **December 16, 2024**, to file an amended complaint consistent with this Memorandum and Order, and this Court's prior Memorandum and Orders of August 17, 2023, [Filing No. 9](#), September 7, 2023, [Filing No.](#)

23, December 1, 2023, [Filing No. 30](#), June 24, 2024, [Filing No. 33](#), and October 3, 2024, [Filing No. 39](#).

2. If Plaintiff fails to file an amended complaint or otherwise respond or seek an extension to do so prior to the expiration of the **December 16, 2024**, deadline, the matter shall be dismissed without prejudice consistent with this Court's prior orders.

3. The Clerk's Office is instructed to terminate the November 4, 2024, deadline for Plaintiff to amend his Complaint and is directed to set a pro se case management deadline in this case using the following text: **December 16, 2024**: Check for amended complaint.

Dated this 30th day of October, 2024.

BY THE COURT:



Joseph F. Bataillon  
Senior United States District Court